

Change unfair rules to reap rewards for all

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A state Supreme Court decision issued last week recognizes the discriminatory role of institutional practices.

Basic unfairness is built into many of our institutions, and it needs to be pulled out by the roots, which is why looking at money is a good place to start. I was pleased to read about a state [Supreme Court decision](#) that addresses the way poor people are dealt with in the criminal-justice system.

Lots of categories of inequality are tangled up with money: the pay gap between men and women, the ways in which different immigrants are treated, and racial inequality. We already measure inequality by job prospects, pay and wealth, but we don't always dismantle the systems that perpetuate inequality.

It doesn't hurt to urge people to be fairer and nicer and less biased, but it really helps to change the way tainted systems operate. Change the rules and the outcomes will change, too.

That's what our state Supreme Court ruling was about. That's what a federal report about Ferguson, Mo., was showing when it laid out the ways officials preyed on the poor and on black residents to finance the very systems that helped maintain racial inequality there. What happens in Ferguson is common across the country, even in Washington.

The high court, in hearing two cases from Pierce County, found that court-imposed fees and fines are not fairly applied to all people and that they tend to fall heavily on poor people who have no way of paying them.

Poor people struggle to pay fines as penalties and interest pile up to the point that some wind up being jailed for failure to pay. People lose their homes. Some lose their jobs.

Some people come out of jail still owing money, a burden that sometimes prevents them from establishing a life outside, so they wind up back behind bars. How does any of that help the broader community?

No one is saying people shouldn't be held to account. All the high court asked of lower courts is that they use a little judgment, that they follow the state law that requires them to ask about an offender's ability to pay. Fines that are economically appropriate would still be punishment.

A fine that would be a minor nuisance for high-income individuals can easily financially derail someone of lesser means. The same fine for both isn't really equal justice. And on top of that, poor people are more likely to be fined in the first place for minor offenses in Washington.

The U.S. Department of Justice [report on Ferguson](#) found the police were more likely to stop black residents than white ones, but that white residents, when stopped, were more likely to have contraband. Money has driven the justice system in Ferguson and that meant pain for poor and black people.

Since the country's beginning, there's been a substantial intersection between being black and being poor. And it has long been enforced by police and courts — from slavery, through Jim Crow, and into the age of [mass incarceration](#). The distrust that most black Americans feel toward the justice system didn't originate with a shooting last year.

Laws passed all across the South after slavery was outlawed essentially made being poor a crime and had the effect of keeping black people subject to the will of white people and out of economic competition with white people.

That approach to the law survived the civil-rights movement, is not confined to the South and torments people to this day — black people, Latino people, native people and poor people in general.

Unfair treatment is not an aberration; it's part of the system functioning normally. And the justice system is [just one part](#) of the problem.

A study released last week from Brandeis University and Demos, a liberal public-policy organization, found that making [policy changes](#) in a few institutions could cut the racial wealth gap between Latinos and whites in half and the gap between blacks and whites by 43 percent.

There's nothing natural about the gaps, which are heavily influenced by policy choices. The wealth gap between white and black households nearly tripled between 1984 and 2009. The study found that improving equality in access to housing in good neighborhoods, education and pay would make significant differences in family wealth.

Studies have found built-in bias that [disadvantages](#) black Americans in all of those areas even without any individual's intention to do harm. That's why systems and practices need to be evaluated and changed to lessen the likelihood of bias.

Changes that prevent people from acting on autopilot would improve the lives of millions of Americans. That's why I was glad to see the state Supreme Court decision. Every little step helps.

Jerry Large's column appears Monday and Thursday. Reach him at 206-464-3346 or jlarge@seattletimes.com